

16-29-140 License - Issuance Conditions - Conditional Use.

1. The Morgan County Sheriff or his designee shall approve the issuance of a license to the applicant within thirty (30) days of receipt of a completed application unless the official finds one or more of the following:
 - a. The applicant is under twenty-one (21) years of age;
 - b. The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business;
 - c. The applicant has falsely answered a material question or request for information as authorized by this Chapter;
 - d. The applicant has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two (2) years immediately preceding the application; a criminal conviction for a violation or a provision of this Chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;
 - e. The premises to be used for the business have been disapproved by the Weber/Morgan Health Department, the Fire Department, the Sheriff's Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinance of the County. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain an extension of time of no more than fifteen days for their review. The total time for the County to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees.
 - f. The required license fees have not been paid;
 - g. All applicable sales and use taxes have not been paid;
 - h. An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in state statutes or ordinances from any jurisdiction;
 - i. An applicant has been convicted or pled nolo contendere to a crime involving:
 1. Prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of exploitation prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt; conspiracy; or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:
 1. Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years if the convictions are of two or more misdemeanors within the five (5) years; or
 2. Less than five years have elapsed from the date of conviction if the offense is a felony;
 - j. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Chapter.
2. Sexually Oriented Facilities and Businesses are conditional uses in existing "MG" industrial zones and must be approved in accordance with the provisions of this Ordinance. In all cases a design and site plan diagramming the premises shall be provided as part of the application process. A public hearing shall be required in all cases prior to the issuance of a conditional use permit. The procedures for issuance of conditional use permits, as found in the appropriate development code(s), shall be followed in all cases. A final decision by the County as to the issuance of a conditional use permit for a Sexually Oriented Facility or Business shall be made within 90 days of receipt of a completed application by the County Department unless a delay is requested or agreed upon by the applicant or where the applicant is causing the delay by not providing needed information. [2000-10]